

# **EXHIBIT C**

Commonwealth of Massachusetts  
HAMPDEN SUPERIOR COURT  
Case Summary  
Criminal Docket

**HDCR2004-00913**  
**Commonwealth v Ribeiro, David**

<b>File Date</b>	07/27/2004	<b>Status</b>	Disposed (sentenced) (dsenimp)
<b>Status Date</b>	05/04/2005	<b>Session</b>	1 - Crim 1 CtRm 1
<b>Jury Trial</b>	Unknown	<b>Origin</b>	I - Indictment
<b>Lead Case</b>			

<b>Arraignment</b>	07/30/2004	<b>Track</b>		<b>Final PTC</b>	10/28/2004
<b>Disp. Deadline</b>	07/30/2005	<b>Deadline Status</b>	Deadline active since return date	<b>Status Date</b>	07/30/2004
<b>Pro Se Deft</b>	No	<b>Custody Status</b>	Hampden House of Correction (Ludlow)	<b>Start Date</b>	05/04/2005
<b>Weapon</b>	Hand gun	<b>Substance</b>		<b>Prior Record</b>	Unknown

**OFFENSES**

Num	Offense	Code	Status	Status Date
1	07/12/2004	265/17/B	Guilty finding	05/03/2005
	ROBBERY, ARMED & MASKED c265 s17			
2	07/12/2004	269/10/J	Guilty finding	05/03/2005
	FIREARM, CARRY WITHOUT LICENSE c269 s10(a)			
3	07/12/2004	269/10/G	Guilty finding	05/03/2005
	FIREARM WITHOUT FID CARD, POSSESS c269 s10(h)			
4	07/12/2004	265/18B/A	Guilty finding	05/03/2005
	FIREARM IN FELONY, POSSESS c265 s18B			

**PARTIES**

<b>Plaintiff</b> Commonwealth Gender: Unknown Active 07/27/2004 Notify	<b>District Atty's Office 636662</b> Karen J Bell Hampden County District Atty's Office 50 State Street Hall of Justice Springfield, MA 01102 Phone: 413-747-1000 Fax: 413-781-1001 Inactive 04/28/2005
<b>Defendant</b> David Ribeiro 119 Federal Street Springfield, MA 01101 DOB: 08/02/1968 Gender: Male Active 07/27/2004	<b>Public Counsel 173090</b> Edward B Fogarty 101 State Street Suite 321 Springfield, MA 01103 Phone: 413-827-0174 Fax: 413-737-7782 Active 07/30/2004 Notify
	<b>District Atty's Office 643755</b> Matthew D Thomas Hampden County District Atty's Office 50 State Street Hall of Justice Springfield, MA 01102 Phone: 413-747-1000 Fax: 413-781-4745 Active 04/28/2005 Notify

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ENTRIES

Date	Paper	Text
07/27/2004	1.0	Indictment returned
07/27/2004		RE: offense #2 Penalty Enhancement Under 269/20G(a):
07/27/2004		RE: offense #3 Penalty Enhancement Under 269/10G(a):
07/30/2004		Deft arraigned before Court
07/30/2004		Appointment of Counsel Edward B Fogarty, pursuant to Rule 53
07/30/2004	2.0	Notice of assignment of counsel / Appearance filed.
07/30/2004		Deft waives reading of indictments
07/30/2004		RE Offense 1:Plea of not guilty
07/30/2004		RE Offense 2:Plea of not guilty
07/30/2004		RE Offense 3:Plea of not guilty
07/30/2004		RE Offense 4:Plea of not guilty
07/30/2004		Bail set: \$50,000.00 cash without prejudice
07/30/2004		Bail warning read (Sweeney, J.)
07/30/2004	3.0	Bail: mittimus issued
09/08/2004	4.0	Pre-trial conference report filed
10/19/2004	5.0	Motion by Deft: for allowance of costs and expenses impounded
10/19/2004		Motion (P#5) allowed (please see pleading) (Josephson, J.)
10/19/2004	6.0	Agreement on Discovery motions
01/10/2005	7.0	Pre-trial conference report filed
02/17/2005	8.0	Motion by Deft: to suppress unlawfully obtained confession
02/17/2005	8.1	Affidavit of in support motion to suppress unlawfully obtained confession
02/17/2005	9.0	Deft files: Memorandum in support motion to suppress unlawfully obtained confession
02/17/2005		Motion (P#8) denied, see record (Curley, J.). Copies mailed
02/17/2005	10.0	Motion by Deft: to supplement grounds to suppress unlawfully obtained confession
02/17/2005		Motion (P#10) Allowed, without objection (Curley, J.).
02/17/2005	11.0	Exhibits filed re: Motion to suppress
02/17/2005		Defendant's oral motion for copy of transcript is Allowed (Defendant is indigent); Written motion to be allowed once filed (Curley, J.)
02/18/2005	12.0	Motion by Deft: & Order for Transcript
02/18/2005		Motion (P#12) allowed (Curley,J.)
02/18/2005	13.0	Motion by Deft: to Continue
02/18/2005	14.0	Motion by Deft: to Suppress Identification w Aff. & Memo
02/18/2005	14.1	Affidavit in Support of Motion to Suppress Identification
02/18/2005	15.0	Deft files Memorandum in Support Motion to Suppress Unlawfully Obtained Confession
02/18/2005	16.0	Motion by Deft: to Dismiss
02/18/2005	16.1	Affidavit in support of motion to dismiss
02/22/2005	17.0	Notice sent on February 22, 2005 to Judy Donnellan for Motion to Suppress Transcript
02/22/2005		Motion (P#13) (Please see pleading) (Constance M. Sweeney, Justice). N. 2/23/05
02/22/2005		At defendant's request, the motion to continue trial is converted to

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Date	Paper	Text
		a motion to file a Motion to suppress I.D. Motion to suppress I.D. will be heard immediately before trial. Defendant waives R. 15. (Sweeney, J.)
02/22/2005		After hearing: Bail remains the same. (Sweeney, J.)
02/22/2005	18.0	Bail: mittimus issued
03/08/2005		Hearing on (P#16) held, matter taken under advisement (Sweeney,J)
03/08/2005		Motion (P.#16) denied (See Pleading) (Constance M. Sweeney, Justice) N.3/9/05
04/07/2005	19.0	Motion by Deft: to dismiss appointed attorney and for it to be allowed that defendant represent himself, pro se
04/15/2005		Motion (P#19) denied (McDonald, J)
04/19/2005	20.0	Motion by Deft: to continue
04/20/2005		Motion (P#20) allowed (McDonald, J)
04/26/2005	21.0	Motion by Deft: to clarify and/or continue
04/26/2005		Motion (P#21) denied (McDonald, J)
04/28/2005	22.0	Commonwealth files list of witnesses
05/02/2005		Defendant's oral motion to Dismiss Counsel--denied. (Velis,J.)
05/02/2005		Motion (P#14) allowed in part, denied in part. See Record (Velis,J.)
05/02/2005	23.0	Motion by Commonwealth: in Limine Seeking Admission of Prior Convictions of the Defendant
05/02/2005	24.0	Motion by Commonwealth: in Limine to Allow Video Recorded Evidence
05/02/2005	25.0	Deft files Voir Dire Questions
05/02/2005	26.0	Motion by Deft: in Limine to Exclude Evidence of Defendant's Prior Convictions
05/02/2005	27.0	Motion by Deft: to Sequestration of prosecution Witnesses
05/02/2005	28.0	Motion by Deft: to Dismiss due to Prosecution Victim/Witness not appearing trial or any other Court Proceeding
05/02/2005	29.0	Waiver of trial by jury
05/03/2005		Motion (P#23) denied (Velis,J.)
05/03/2005		Motion (P#28) Defendant withdraws motion in open court, on the record (Velis,J.)
05/03/2005	30.0	RE Offense 1:Guilty finding
05/03/2005	31.0	RE Offense 2:Guilty finding
05/03/2005	32.0	RE Offense 3:Guilty finding
05/03/2005	33.0	RE Offense 4:Guilty finding
05/03/2005	34.0	Motion by Deft: for Required Finding of Not Guilty
05/03/2005		Motion (P#34) denied (Velis,J.)
05/03/2005		Defendant's Renewed Oral Motion for A Required Finding of Not Guilty --Denied (Velis,J.)
05/03/2005		Bail set:Bail Revoked-Held Without the Right to Bail (Velis,J.)
05/03/2005	35.0	Bail: mittimus issued
05/04/2005	36.0	Defendant sentenced to Count 1: MCI-Cedar Junction for the term of not more than 6 years and not less than 5 years. Count 2 & 3: Hampden County HOC for 1 year. Concurrent with 04-913-1. Count 4: MCI-Cedar Junction for the term of not more than 5 years and not less than 5 years. From & After 04-913-1. (Velis,J.)

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Date	Paper	Text
05/04/2005		Sentence credit given as per 279:33A: 296 by agreement
05/04/2005		Victim-witness fee assessed: \$90.00
05/04/2005		Defendant warned per Chapter 22E Sec. 3 of DNA
05/04/2005		Notified of right of appeal under Rule 64
05/04/2005	37.0	Commonwealth files Nolle Prosequi on Counts 2 & 3 -To so much as Alleges 269 10G(a) /Enhancements
05/04/2005	38.0	Exhibits filed Re: Jury Waived Trial
05/04/2005	39.0	Motion by Deft: to revise, revoke or amend
05/10/2005		Notice sent on May 10, 2005 to The Honorable Peter A. Velis and A.D.A.

EVENTS

Date	Session	Event	Result
07/30/2004	Crim 1 CtRm 1	Arraignment	Event held as scheduled
09/08/2004	Crim 1 CtRm 1	Conference: Pre-Trial	Event held as scheduled
10/19/2004	Crim 1 CtRm 1	Hearing: Motion	Event held as scheduled
01/04/2005	Crim 1 CtRm 1	Hearing: Motion	Event not held--req of Defendant
01/10/2005	Crim 1 CtRm 1	Evidentiary Hearing: Misc Matters	Event held as scheduled
02/17/2005	Crim 1 CtRm 1	to set Evidentiary hearing date Hearing: Motion	Event moved to another session
02/17/2005		Evidentiary Hearing: Motion	Event held as scheduled
02/22/2005	Crim 1 CtRm 1	Motion to Suppress Hearing: Motion	Event held as scheduled
03/07/2005	Crim 1 CtRm 1	Hearing: Motion	Event held--under advisement
03/08/2005	Crim 1 CtRm 1	Motion to dismiss Hearing: Motion	Event held as scheduled
03/21/2005	Crim 1 CtRm 1	TRIAL: by jury	Event not reached by Court
03/21/2005	Crim 1 CtRm 1	Hearing: Motion	Event not held--joint request
03/22/2005	Crim 1 CtRm 1	Evidentiary hearing TRIAL: by jury	Event not reached by Court
03/23/2005	Crim 1 CtRm 1	TRIAL: by jury	Event not reached by Court
03/24/2005	Crim 1 CtRm 1	TRIAL: by jury	Event moved to another session
03/24/2005	Trials CtRm 7	TRIAL: by jury	Event not reached by Court
04/15/2005	Trials CtRm 7	Hearing: Motion	Event held as scheduled
04/20/2005	Trials CtRm 7	Hearing: Motion	Event held as scheduled
04/27/2005	Trials CtRm 7	TRIAL: by jury	Event not held--req of Defendant
05/02/2005	Trials CtRm 7	TRIAL: by jury	Event moved to another session
05/02/2005	Civil B CtRm5	Hearing: Motion	Event held as scheduled
05/03/2005	Civil B CtRm5	PI.14 TRIAL: jury waived	Event held as scheduled
05/04/2005	Crim 1 CtRm 1	Hearing: Sentence Imposition	Event held as scheduled

A TRUE COPY

@ 2:30 P.M.

OF THE DOCKET MINUTES:

IN WITNESS WHEREOF, I hereunto  
set my hand, and have caused the seal  
of the Superior Court for the County  
of Hampden to be affixed on this

1st day of June 05

*[Signature]*  
Clerk